

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES ANTHONY WILLIAMS,

Plaintiffs,

v.

OLGA SUSLOVA, *et al.*,

Defendants.

Case No. C15-162-JLR-JPD

REPORT AND RECOMMENDATION

Plaintiff James Williams is a Washington prisoner who is currently confined in the Special Offender Unit ("SOU") at the Monroe Correctional Complex. He initiated this action in January 2015 with the submission of a civil rights complaint under 42 U.S.C. § 1983 in which he alleged violations of his Eighth and Fourteenth Amendment rights arising out of a February 2012 involuntary antipsychotic medication hearing. Plaintiff named as defendants in his complaint the members of the panel that voted to place him on involuntary medication for a period of 180 days: Olga Suslova, Tanya Brown, and Ted Erickson.

1 The Court subsequently ordered service of the complaint on the three named defendants.
2 (Dkt. 8.) However, only defendant Brown returned her waiver of service.¹ (Dkt. 9.) Defendant
3 Brown filed a timely answer to plaintiff's complaint on May 18, 2015, and on May 20, 2015, this
4 Court issued an Order establishing pretrial deadlines for discovery and for the filing of
5 dispositive motions. (Dkts. 12 and 13.) On July 6, 2015, plaintiff filed a motion seeking to
6 dismiss this action without prejudice. (Dkt. 14.) He indicates therein that because the "prime
7 defendant" in this action, Olga Suslova, is deceased, and because Ted Erickson is no longer
8 employed by the Department of Corrections, it would be pointless to pursue prosecution of this
9 case. (*Id.*)

10 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, an action in which an
11 answer has been served by the opposing party may be dismissed at the plaintiff's request only by
12 court order. Defendant Brown has filed a response to plaintiff's motion in which she advises the
13 Court that she does not oppose plaintiff's motion for voluntary dismissal. As there appears no
14 reason why this action should not be dismissed at this time, this Court recommends that
15 plaintiff's motion to dismiss this action be granted and that plaintiff's complaint, and this action,
16 be dismissed without prejudice. A proposed order accompanies this Report and
17 Recommendation.

18 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
19 served upon all parties to this suit by no later than **September 18, 2015**. Failure to file
20 objections within the specified time may affect your right to appeal. Objections should be noted
21 for consideration on the District Judge's motion calendar for the third Friday after they are filed.

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23 ¹ Counsel for defendant Brown has advised the Court that defendant Suslova is deceased and that
defendant Erickson is no longer employed by the Department of Corrections and therefore never received the
service materials directed to him at the SOU. (*See* Dkts 11 and 15.)

1 Responses to objections may be filed within **fourteen (14)** days after service of objections. If no
2 timely objections are filed, the matter will be ready for consideration by the District Judge on
3 **September 25, 2015.**

4 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
5 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
6 assigned District Judge acts on this Report and Recommendation.

7 DATED this 28th day of August, 2015.

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9 JAMES P. DONOHUE
10 Chief United States Magistrate Judge
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